

**Before The
Federal Communications Commission
Washington, D.C. 20554**

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|---------------------------------|---|----------------------------|
| In re Applications of |) | |
| |) | BMPFT-20190311ABA |
| K225DB (formerly K224FG) |) | BMPFT-20190318AAQ |
| Elohim Group Corporation |) | BLFT-20190318AAJ |
| San Jose, California |) | Facility ID: 148598 |

**Petition To Deny - BLFT-20190318AAJ
Petition for Reconsideration - BMPFT-20190311ABA
Petition for Reconsideration – BMPFT-20190318AAQ**

Center For Training and Careers, licensee of San Jose, California, hereby gives notice of the attached petitions filed against the applications of Translator facility K225DB posted March 18, 2019 on the Consolidated Database System (CDBS): Form 350 License application BLFT-20190318AAJ, on which a Petition to Deny is hereby filed; Form 349 modification BMPFT-20190318AAQ, on which a Petition for Reconsideration is filed following a grant earlier this same day (March 18, 2019) before close of business; and refile of a Petition for Reconsideration to BMPFT-20190311ABA within CDBS, for which the parties and the Commission were already served by First Class Mail.

Petitioner Center For Training and Careers (“Petitioner”) is licensee of low power FM facility KCXU-LP, which remained short spaced by the Translator.

This notice of the attached petitions is necessary for cross-referencing the sudden recent batch of contradictory filings for this facility. Taken as a whole, the filings appear as an attempt to distract from and render moot the issues raised in our Petition for Reconsideration filed Mar 14 2019¹, and before within an Informal Objection originally filed by our authorized manager on Mar 13 2019².

As a matter of law, the original underlying construction permit for which the above-captioned applications were filed, BNPFT-20030317KGU, was set to expire as of 3:00am PST local time on this day, March 18, 2019. A copy of the original construction permit is attached as an Exhibit. All subsequent modifications applications as well as the above-captioned license application refer back to this original application. The subsequent Form 349 authorizations all containing this note: “The authority granted herein has no effect on the expiration date of the underlying construction permit.”

¹ See Petition for Reconsideration filed March 14, 2019 on application BMPFT-20190311ABA. Although inadvertently filed in CDBS with box checked 'Informal Objection', the filing as well as mailed copies served on the parties and the Commission were clearly labeled as a Petition for Reconsideration.

² See Informal Objection filed by Manual J. Martinez, filed March 13, 2019 on application BMPFT-20190311ABA.

Regardless, Elohim's Form 350 License application appeared in CDBS morning of March 18, 2019, certifying the facility as built per authorization of construction permit, BMPFT-20190311ABA, against which both the Objection and the first Petition for Reconsideration were filed and pending. Our filings were immediately followed by email and by phone calls to alert Commission staff that the coordinates listed within the modification application landed immediately on the path of a narrow road registered to the County of Santa Clara, California.

More significantly, an email from a senior planner with Santa Clara County's Planning Office plainly documented that no permits were issued for any FM or Telecom antenna structure for any parcels under county jurisdiction in proximity to the location along the county road³. A complaint was immediately by our staff at the direction of the Planning office, after which County Code Enforcement personnel would then be deployed.

Petitioner has noticed in Exhibit 9 of the Form 350 application included a statement by the applicant, "THE ELEVATION AT THE SITE IS 231 METERS". When adding height of the radiation center Above Ground Level would result in a total of 340 meters. However the Authorization for the immediate underlying construction permit for BMPFT-20190311ABA, with the antenna, is clear: "Height of radiation center above mean sea level (Meters): 226".

Moreover, while the Form 349 application BMPFT-20190311ABA specifies a Directional Antenna, no documentation or certification from either the Broadcast Installer or the Surveyor includes is provided demonstrating that the specific antenna was purchased, installed, and oriented to the correct azimuth to help ensure no interference would occur. This is one of our primary concerns.

Earlier today, March 18, 2019, our staff went to the survey the site and take photos of the antenna certified as built in the application. However per the new photos included with the Petition to Deny now filed against License application BLFT-20190318AAJ, no antenna structure could be found along the county road despite the certification stating that the antenna was built as authorized in the recent underlying construction permit (BMPFT-20190311ABA).

When our staffer returned later to the offices with fresh photos, we then learned of yet another new Form 349 application appearing within CDBS, BMPFT-20190318AAQ, which we somehow missed. We soon also heard from listeners suddenly reporting interference to our broadcast signal.

³ See Exhibit with email from Santa Clara County Planning Office, March 13, 2019.

Our engineer notes that the parameters of the newest Form 349 construction permit, since is but hours old, cannot yet be downloaded for a full engineering analysis until the following day to determine possible causes for interference. Petition will be amended as soon as that data can be properly analyzed.

However, the latest Form 349 application, BMPFT-20190318AAQ, specifically requests to modify the previous underlying application, BMPFT-20190311ABA, which already expired as of 3:00 am on March 18, 2019. Additionally, as with the previous Construction Permits, the Authorization for this application again specifically states “The authority granted herein has **no effect on the expiration date of the underlying construction permit.**”

For the reasons provided herein, applications BMPFT-20190311ABA & BLFT-20190318AAJ should be denied and dismissed.

Under penalty of perjury, the undersigned declare under the laws of the United States that the foregoing is true and correct.

Executed on this 18th day of March, 2019.

Respectfully Submitted,

/S/

Rose Amador Le Beau
President / CEO
Center For Training And Careers
749 Story Road
San Jose, California 95122

Cc: Santa Clara County Planning Department
Santa Clara Code Enforcement

Attachments:

- Declaration of Manuel J. Martinez
- Email from Santa Clara County Planning Office
- Google map – Coordinates site location on Chaboya Road
- Identification of Santa Clara County parcel # APN # 659-22-016
- Certificate of Service